

NO. \_\_\_\_\_  
(Capital Case)

In the  
Supreme Court of the United States

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*QUINTIN PHILLIPPE JONES, Petitioner*

v.

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*LORIE DAVIS, Respondent*

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On Petition for Writ of Certiorari to the  
United States Court of Appeals  
for the Fifth Circuit

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**UNOPPOSED APPLICATION FOR EXTENSION OF TIME TO  
FILE THE PETITION FOR WRIT OF CERTIORARI  
ADDRESSED TO JUSTICE ALITO CITING  
EXTRAORDINARY CIRCUMSTANCES UNDER RULE 13.5**

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Counsel for Petitioner Quintin Phillippe Jones files this Unopposed Application for Extension of Time to File the Petition for Writ of Certiorari Addressed to Justice Alito Citing Extraordinary Circumstance under Supreme Court Rule 13.5, requesting a 45-day extension:

**Application**

1. This application meets the requirements of Supreme Court Rule 13.5.
2. Lead counsel in this case is Ms. Lydia Brandt. Second chair is Michael Mowla. Both are appointed by the District Court.
3. The petition for writ of certiorari is due on September 16, 2019. This is based on the Opinion and order on the Petitions for Rehearing and Rehearing En

Banc handed down on June 18, 2019 in Cause No. 16-70003, *Jones v. Davis*, 927 F.3d 365 (5th Cir. 2019) (see attached opinion). The original opinion is dated April 15, 2019 and is also attached. *See Jones v. Davis*, 922 F.3d 271 (5th Cir. 2019).

4. Mr. Jones is not yet set for execution.

5. This Court has jurisdiction under 28 U.S.C. § 1254 (2019). Undersigned counsel believe that the petition will be meritorious since it pertains to claims under for the denial of investigative funding as required by 18 U.S.C. § 3599(f) *Ayestas v. Davis*, 138 S.Ct. 1080 (2018).

6. Under Rule 13.5, undersigned counsel show this as good cause: since June 18, 2019, Ms. Brandt had been working as the only counsel on the death penalty case of Billy Jack Crutsinger, who was executed on September 4, 2019. *See Crutsinger v. Davis*, Nos. 19-5717 & 19-5755 (U.S.). This case engulfed most of the available time of Ms. Brandt in the past three months.

7. In addition, Ms. Brandt has due in this Court on September 17, 2019 a petition for writ of certiorari the case of John Steven Gardner. On September 3, 2019, Texas filed a motion to set the execution date of January 15, 2020 for Gardner in *State v. Gardner*, No. 219-81121-06 (219th Dist. Ct. Collin Co.). Ms. Brandt had been the sole counsel of record in both the both state and federal habeas proceedings prior to the opinions of this Court in *Martinez* and *Trevino*. After these decisions, on the motion of Brandt, the district court appointed Mr. Kretzer as federal habeas supplemental counsel to review Brandt's work in the state habeas proceedings because of Brandt's conflict of interest in raising a deficient performance claim

against herself. *See Mendoza v. Stephens*, 783 F.3d 203, 210 (5th Cir. 2015) (“Mendoza is statutorily entitled to conflict-free counsel at this stage in his habeas proceedings.”) and *Speer v. Stephens*, 781 F.3d 784 (5th Cir. 2015). Mr. Kretzer also represents Mark Anthony Soliz, who is scheduled for execution September 10, 2019. *See In re Soliz*, No. 19-10979 (5th Cir.).

8. For his part, Mowla is assisting Ms. Brandt on the issues in this case. However, on August 22, 2019, Mowla completed and filed a complex sentencing memorandum in *United States v. Shults*, No. 3-14-CR-00298 (N.D.Tex.) and was preparing for the sentencing hearing in the case set for August 28, 2019. This sentencing hearing took place but was not completed, and the parties are scheduled to return on October 8, 2019 for its continuation.

9. Mowla has also been working on other cases including appeals, trial preparation, investigations in habeas corpus cases, and four death penalty cases (state and federal habeas corpus). One is an application for a writ of habeas corpus under Tex. Code Crim. Proc. Art. 11.071 that Attorney for Appellant continues to investigate in *Ex parte Hudson*, No. 3CR-16-32585 (3rd Dist. Ct. Anderson Co.), No. WR-88,225-01 (Tex.Crim.App.). This is a complex death penalty case involving the deaths of six persons. Due to circumstances of the case, Attorney for Appellant has been spending considerable time with his mitigation investigator to work on issues for the state writ application.

10. Mowla also continues to work on trial-preparation in *State v. Amber Guyger*, No. F18-00737 (204th Dist. Ct. Dallas Co.), which is the officer-involved

shooting that occurred on September 6, 2018. Voir dire began on September 6, 2019 for which about 617 prospective jurors appeared. The pretrial hearing was held on August 19, 2019, which required considerable preparation time. This case has taken up a considerable amount of Mowla's time. And on August 29, 2019, Mowla completed and filed a petition for writ of certiorari in *Juarez v. Director*, No. 19-298 (U.S.), a capital-life case.

11. Ms. Brandt's available time is presently filled to capacity working on the cases cited above. Although she has performed work on the petition in this case, she requires the additional time so that she may complete the petition with the detail and attention it deserves. Although this application is filed seven days before the petition is due, Ms. Brandt shows extraordinary circumstances in that her schedule with the other death penalty cases did **not** allow her to file this before today, which is seven days before the due-date of the petition.

12. The State of Texas does **not** oppose the requested relief.

### **Prayer**

Counsel for Petitioner Jones prays that this Court grant this Unopposed Application for Extension of Time to File the Petition for Writ of Certiorari and allow the requested 45-day extension until on or about **October 31, 2019**.

Respectfully submitted,

**/s/ Lydia M.V. Brandt**  
**Lydia M.V. Brandt**

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**/s/ Michael Mowla**  
**Michael Mowla**

### **Certificate of Conference**

I certify that on September 5, 2019, I conferred with Mr. Jason LaFond, Assistant Solicitor General with the Office of the Attorney General of Texas, who informed that Texas does not oppose to the relief requested.

**/s/ Michael Mowla**  
**Michael Mowla**

### **Certificate of Service**

I certify that on September 9, 2019, this Application was served on the following counsel by the method stated.

/s/ Michael Mowla  
**Michael Mowla**

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